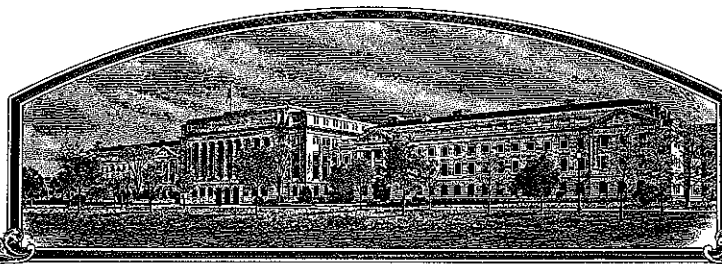


No.

200100044



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Central Valley Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

'Laguna Fresca'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-fifth day of August, in the year two thousand and five.

Attest:

  
Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

  
Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

## APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

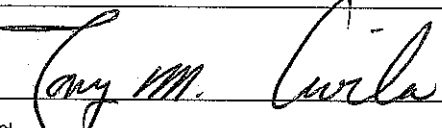
Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) (as it is to appear on the Certificate) Central Valley Seeds, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER Exp. 114-Mass		3. VARIETY NAME Laguna Fresca	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 485 Victor Way, Suite 10 Salinas, Ca. 93907 USA		5. TELEPHONE (include area code) (831) 757-0939 (209) 233-9076		FOR OFFICIAL USE ONLY PVPO NUMBER 200100044	
6. FAX (include area code) (831) 757-6829 (209) 233-7859		7. GENUS AND SPECIES NAME Lactuca sativa		8. DATE December 22, 2000	
9. CROP KIND NAME (Common name) Lettuce		10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) (Common name) Central Valley Seeds, Inc., A Corporation		FILING AND EXAMINATION FEE: \$ 2706.00 DATE December 22, 2000	
11. IF INCORPORATED, GIVE STATE OF INCORPORATION California		12. DATE OF INCORPORATION April 14, 1987		CERTIFICATION FEE: \$ 682.00 DATE July 18, 2005	
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS Tony Avila, Dan Avila, Joe Avila, John Avila  Central Valley Seeds, Inc. 485 Victor Way, Suite 10 Salinas, Ca. 93907 USA		14. TELEPHONE (include area code) (831) 757-0939		15. FAX (include area code) (831) 757-6829	
16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)					
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of the Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Applicant's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,600 viable untreated seeds or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,460), made payable to "Treasurer of the United States" (Mail to PVPO)					
17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes," answer items 18 and 19 below) <input checked="" type="checkbox"/> NO (If "no," go to item 20)					
18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO		19. IF "YES" TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED			
20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES (If "yes," give names of countries and dates) <input type="checkbox"/> NO USA, 12/23/99					
21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.					
The undersigned applicant(s) is(are) the owner(s) of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.					
Applicant(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF APPLICANT (Owner(s)) Tony M. Avila		SIGNATURE OF APPLICANT (Owner(s)) Dan Avila			
NAME (Please print or type) Tony Avila Co-Owner		NAME (Please print or type) Dan Avila			
CAPACITY OR TITLE Vice President/Research Director		DATE 12-19-00		CAPACITY OR TITLE CFO/Administrator	
				DATE	

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

<b>1. NAME OF OWNER</b> CENTRAL VALLEY SEEDS, INC.		<b>2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME</b> EXP. 114-MASS		<b>3. VARIETY NAME</b> LAGUNA FRESCA	
<b>4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)</b> 484 VICTOR WAY SUITE 10 SALINAS, CA 93907 USA		<b>5. TELEPHONE (include area code)</b> (831) 757-0939 (559) 233-7859		<b>FOR OFFICIAL USE ONLY</b>  <b>PVPO NUMBER</b>  <b>FILING DATE</b>	
<b>7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.)</b> CENTRAL VALLEY SEEDS, INC.		<b>8. IF INCORPORATED, GIVE STATE OF INCORPORATION</b> CALIFORNIA		<b>9. DATE OF INCORPORATION</b> APRIL 14, 1987	
<b>10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)</b>  TONY M. AVILA 484 VICTOR WAY SUITE 10 SALINAS, CA 93907 USA				<b>FILING AND EXAMINATION FEES:</b>  \$  <b>DATE</b>  <b>CERTIFICATION FEE:</b>  \$  <b>DATE</b>	
<b>11. TELEPHONE (Include area code)</b> (831) 757-0939		<b>12. FAX (Include area code)</b> (831) 757-6829		<b>13. E-MAIL</b>	
<b>14. CROP KIND (Common Name)</b> LETTUCE					
<b>18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)</b> a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)			<b>19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act</b> <input type="checkbox"/> YES (If "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no," go to item 22)		
<b>20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED			<b>21. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)		
<b>22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES?</b>  <input checked="" type="radio"/> YES <input type="radio"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)			<b>23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		
<b>24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.</b> The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.					
<b>SIGNATURE OF OWNER</b> 			<b>SIGNATURE OF OWNER</b> 		
<b>NAME (Please print or type)</b> TONY M. AVILA			<b>NAME (Please print or type)</b> 		
<b>CAPACITY OR TITLE</b> VICE PRESIDENT/ RESEARCH DIR.		<b>DATE</b> 5/12/2005		<b>CAPACITY OR TITLE</b> 	
<b>DATE</b>		<b>DATE</b>			

# INSTRUCTIONS

**GENERAL:** To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,450 (\$300 filing fee and \$2,150 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. **Retain one copy for your files.** All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$300 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

## Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvp.htm>

### ITEM

- 18a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;  
(2) the details of subsequent stages of selection and multiplication;  
(3) evidence of uniformity and stability; and  
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:  
(1) identify these varieties and state all differences objectively;  
(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and  
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 18c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 18d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 18e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
19. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See *Regulations and Rules of Practice, Section 97.103*).
21. See Section 83 of the Act for the Contents and Term of Plant Variety Protection.
22. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
23. See Section 5.5 of the Act for instructions on claiming the benefit of an earlier filing date.

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21. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

---

22. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

12/23/1999 USA

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23. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

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**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the variety names proposed by contacting: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center--East, Beltsville, MD 20705. Telephone: (301) 504-8089.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-2791. To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal opportunity employer.

S&T-470 (2-99) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (6-98) which is obsolete.

**Exhibit A. Origin and Breeding History of Lettuce Exp. 114-Mass**

'Laguna Fresca'

RAV  
7/8/05

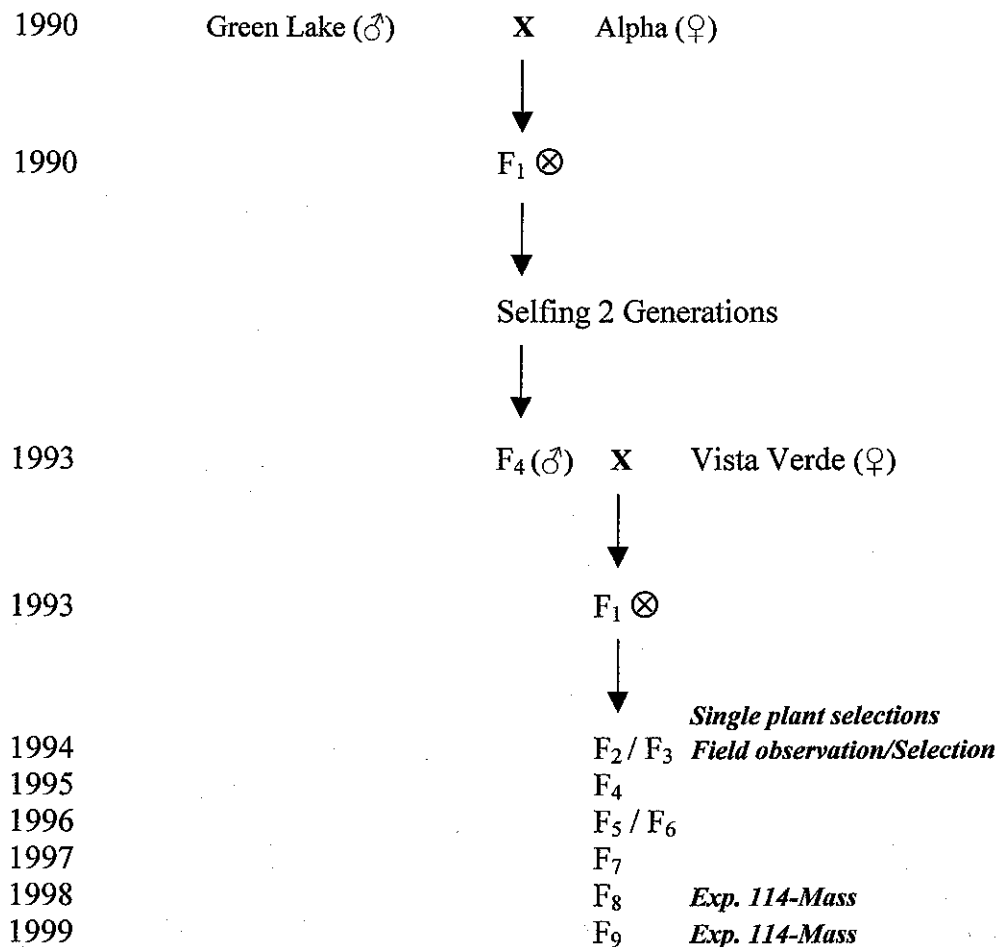
Using traditional cross hybridization techniques, the Exp. 114-Mass crisphead lettuce, *Lactuca sativa*, was originally developed by Central Valley Seeds, Inc. as follows (the schematic breeding history is shown in Fig. 1). In early 1990, the crisphead lettuce variety Green Lake was crossed as a male in the greenhouse with the crisphead lettuce variety Alpha. Seeds of the Green Lake variety are publicly available. Green Lake has a light green leaf color with genetic resistance to lettuce corky root (CR) disease caused by *Rhizomonas suberifaciens*. The variety Alpha has downy mildew (DM), *Bremia lactucae*, resistance genes of DM1 and DM 5/8 and is commercially available from Harris Moran Seed Company. The resulting F<sub>1</sub> seeds were collected. To generate the F<sub>2</sub> seeds, in the same year approximately 10 of the F<sub>1</sub> seeds were planted and allowed to self-pollinate in the greenhouse. In 1991, F<sub>2</sub> seeds were planted in the field and 10 plants were selected. The selection criteria were for plants having medium green leaf color, moderate blistering (savoyedness) and no visible DM, CR or tipburn symptoms. The selected plants were transplanted in the greenhouse and were allowed to self-pollinate and the resulting seeds were collected. Plants were selected from the F<sub>3</sub> and F<sub>4</sub> generations in 1992 and 1993, respectively, using the same selection criteria as described for the F<sub>2</sub> plants.

In 1993, F<sub>4</sub> seeds were planted in the field. Several individual plants having medium green leaf color, moderate blistering (savoyedness) and no visible DM, CR or tipburn symptoms were greenhouse transplanted and were subsequently crossed as a male to the crisphead lettuce variety Vista Verde as a female. Vista Verde is commercially available from Central Valley Seeds, Inc. As a Salinas type, Vista Verde is large framed and is highly bolt tolerant. In addition, it possesses a dark green leaf color with a short core length and a big core diameter.

In 1993, the F<sub>1</sub> plants were allowed to self in the greenhouse and the resulting seeds were collected. Occasionally, two F generations were obtained when selected plants were grown and evaluated in the states of Arizona and California. From the F<sub>2</sub> to the F<sub>7</sub> generations (1994 through 1997), single plant selections were made for bolt tolerant plants with medium to dark green leaf color, moderate blistering (savoyedness), slightly concaved (flat to round) butt shape, flat mid ribs, thick leaf texture and with no discernible DM, CR or tipburn symptoms.

Eight plant individuals selected from the F<sub>7</sub> generation were appeared to be genetically and phenotypically uniform in accordance to our selection criteria. Therefore, plants of the F<sub>8</sub> and the F<sub>9</sub> generations were massed in 1998 and 1999, respectively, and the name **Exp. 114-Mass** was assigned to the line for commercial seed production. The field performance, adaptability and type acceptability of Exp. 114-Mass has been examined and confirmed in several lettuce growing areas of California and Arizona. Based on our field and commercial seed production trials, it has been determined that the crisphead variety Exp.114-Mass is genetically distinct, stable and uniform and no variants or off types have been observed.

**Figure 1. The Pedigree of Lettuce, *Lactuca sativa*, Crisphead ~~Exp. 114-Mass~~**



## ADDENDUM TO EXHIBIT A

### Breeding Method:

From each original cross, an F<sub>2</sub> segregating population was produced to initiate a single plant selection program. Selection of individual plants from each advanced generation was primarily based on our selection criteria as described in Exhibit A.

“Laguna Fresca” has been observed for seven generations of reproduction and during the seed increase period and is stable and uniform. No variants were observed.

**Exhibit B. Statement Of Distinctness****Statistical Analysis**

Statistical analyses were performed using an AnOVA method. Snedcor's F was the test statistic. Only the probability values are included (p [F]). Measurable characteristics were assessed in different localities and dates. The analyses of variance remove the effects of both location and water date, which would otherwise obscure the ability to truly compare the varieties. The water dates are subsets of the locations; therefore, the two-tiered AnOVA is necessary.

**Statement Of Distinctness**

Exp. 114-Mass belongs to the crisphead Vanguard class of lettuce varieties. Exp. 114-Mass is adapted for the lettuce growing regions of California and Arizona. Exp. 114-Mass produces a round head with medium leaf margin undulation, light green leaf color and slight leaf blistering (savoyedness). Exp. 114-Mass seed color can be described as white with a silver gray hue. Exp. 114-Mass is genetically pure and stable and has excellent seed emergence.

**Example # 1**

Exp. 114-Mass is similar to Sharp Shooter; however, ,

RAD 7/8/05

Laguna Fresca

Region	Exp. 114-Mass	Sharp Shooter
Leaf Blistering (Savoyedness)	Moderate	Absent/Slight
Head	Medium	Large
Leaf Glossiness	Glossy	Dull
Leaf Thickness	Thick	Medium
Leaf Undulation	Moderate	Slight
Leaf Color	medium Light Green	Dark Green
Maturity	About 3-4 Days Late	About 3-4 Days Early

RAD  
5/6/05**Example # 2**

Exp. 114-Mass is most similar to Sharp Shooter; however, Exp. 114-Mass has lighter green leaf color than Sharp Shooter.

According to the Munsell Color Chart for Plant Tissues, Exp. 114-Mass has Value 4 Chroma 6 Hue 7.5 GY and Sharp Shooter has value 4 Chroma 4 Hue 7.5 GY.

**Example # 3**

Exp. 114-Mass is most similar to Sharp Shooter, however, in average Sharp Shooter is significantly heavier in head weight than Exp. 114-Mass at harvest maturity stage.

	SS	df	MS	p [F]	s2
Total	2709603.96	99			
Variety	514949.76	1	514949.76	0.000	
Location	321354.46	2	160677.23	0.000	2776.01
Residual	1873299.74	96			19100.86
Water date	623264.74	3	207754.91	0.000	5659.62
Error	1250035.00	93	13441.24		13441.24



200100044

Head weight averages (grams):

Exp. 114-Mass: 868.80

Sharp Shooter: 1015.24

Laguna Fresca

RAD 7/8/05

Least significant difference between means of 50 reps: 46.0  
 Standard deviation of one reading no matter the location or water date: 147.9  
 Standard deviation of one reading no matter the water date: 138.2  
 Standard deviation of one reading within the water date: 115.9

*There is a significant difference between varieties, locations, and water dates.*

**Example # 4**

Exp. 114-Mass is most similar to Sharp Shooter; however, Exp. 114-Mass has significantly wider leaves (cm) than Sharp Shooter at the harvest maturity stage.

	SS	df	MS	p [F]	s2
Total	1249.15	99			
Variety	47.75	1	47.75	0.001	
Location	114.79	2	57.39	0.000	0.91
Residual	1086.61	96			10.85
Water date	672.24	3	224.08	0.000	6.39
Error	414.37	93	4.46		4.45

Leaf width averages (cm):

Exp. 114-Mass: 32.34

Sharp Shooter: 30.95

Least significant difference between means of 50 reps: 0.84  
 Standard deviation of one reading no matter the location or water date: 3.43  
 Standard deviation of one reading no matter the water date: 3.30  
 Standard deviation of one reading within the water date: 2.11

*There is a significant difference between varieties, locations, and water dates.*

**Example # 5**

Exp. 114-Mass is most similar to Sharp Shooter and there is no significant difference in leaf length between Exp. 114-Mass and Sharp Shooter at the harvest maturity stage.

	SS	df	MS	p[F]	s2
Total	954.68	99			
Variety	1.10	1	1.10	0.583	
Location	24.86	2	12.43	0.037	0.06
Residual	928.72	96			9.26
Water date	591.66	3	197.22	0.000	5.64
Error	337.06	93	3.62		3.62

Leaf length averages (cm):

Exp. 114-Mass: 31.84

Sharp Shooter: 32.11

Least significant difference between means of 50 reps: 0.76  
 Standard deviation of one reading no matter the location or water date: 3.05

Standard deviation of one reading no matter the water date: 3.04  
 Standard deviation of one reading within the water date: 1.90

*Significant differences between locations and water dates, but not between varieties.*

### Example # 6

#### Leaf length index:

Differences in the leaf shape between the two varieties. This is calculated by dividing the total leaf length by the leaf width. Although, ~~Exp. 114-Mass~~ is most similar to Sharp Shooter; however, Exp. 114-Mass leaf shape is significantly different than Sharp Shooter.

Laguna  
Fresca  
RAD  
7/8/05

	SS	df	MS	p[F]	s2
Total	0.92	99			
Variety	0.07	1	0.07	0.002	
Location	0.19	2	0.10	0.000	0.002
Residual	0.66	96			0.007
Water date	0.05	3	0.02	0.048	0.000
Error	0.61	93	0.01		0.007

Leaf length index averages:

Exp. 114-Mass: 0.99  
 Sharp shooter: 1.04

Least significant difference between means of 50 reps: 0.032  
 Standard deviation of one reading no matter the location or water date: 0.093  
 Standard deviation of one reading no matter the water date: 0.083  
 Standard deviation of one reading within the water date: 0.081

*Both the locations and leaf index coefficients are significant.*

### Example # 7

#### Leaf area coefficient:

Comparing leaf areas between the two varieties. This is calculated by multiplying the leaf width by the leaf length. There is no significant difference between the varieties.

	SS	DF	MS	F	p [F]
Total	3535095.07	99			
Location	2132474.81	2	1066237.41	74.27	0.000
Variety	24431.57	1	24431.57	1.70	0.195
Error	1378188.69	96	14356.13		

Leaf area coefficient averages:

Exp. 114-Mass: 1046.05  
 Sharp Shooter: 945.30

### Example # 8

Exp. 114-Mass is most similar to Sharp Shooter; however, Sharp Shooter has significantly larger head diameter than Exp. 114-Mass at the harvest maturity stage.

	SS	df	MS	p [F]	
Total	261.68	99			
Variety	41.47	1	41.47	0.000	
Location	1.57	2	0.78	0.383	location is not significant - see re-do below
Residual	218.64	96			
Water date	143.53	3	47.84	0.000	
Error	75.11	93	0.81		

Head diameter averages (cm):

Exp. 114-Mass: 14.18 *Laguna Fresca* 7/8/05  
 Sharp Shooter: 15.49

	SS	df	MS	p [F]	s2
Total	261.68	99			
Variety	41.47	1	41.47	0.000	
Water date	135.67	4	33.92	0.000	1.270
Error	84.53	94	0.90		0.899

Least significant difference between means of 50 reps: 0.377  
 Standard deviation of one reading no matter the water date: 1.473  
 Standard deviation of one reading within the water date: 0.948

*There is a significant difference between varieties and locations, but not the water dates.*

#### Example # 9

Exp. 114-Mass is most similar to Sharp Shooter. However, Exp. 114-Mass has significantly shorter core length than Sharp Shooter at the harvest maturity stage.

	SS	df	MS	p [F]	s2
Total	243.53	99			
Variety	118.81	1	118.81	0.000	
Location	19.84	2	9.92	0.000	0.174
Residual	104.88	96			1.041
Water date	73.11	3	24.37	0.000	0.700
Error	31.77	93	0.34		0.342

Core length averages:

Exp. 114-Mass: 3.64  
 Sharp Shooter: 5.80

Least significant difference between means of 50 reps: 0.232  
 Standard deviation of one reading no matter the location or water date: 1.103  
 Standard deviation of one reading no matter the water date: 1.020  
 Standard deviation of one reading within the water date: 0.584

*There are significant differences between locations, varieties and water dates.*

#### Example # 10

Exp. 114-Mass is most similar to Sharp Shooter. Exp. 114-Mass has significantly larger core diameter than Sharp Shooter at the harvest maturity stage.

	SS	df	MS	p [F]	s2
Total	24.33	99			
Variety	1.88	1	1.88	0.001	0.017
Location	4.79	2	2.40	0.000	0.043
Residual	17.66	96			0.181
Water date	3.90	3	1.30	0.000	0.034
Error	13.76	93	0.15		0.148

Core diameter averages:

Exp. 114-Mass: 4.04

Sharp Shooter: 3.76

Least significant difference between means of 50 reps: 0.153

Standard deviation of one reading no matter the location or water date: 0.474

Standard deviation of one reading no matter the water date: 0.426

Standard deviation of one reading within the water date: 0.385

*There are significant differences between locations, varieties and water dates.*

### Example # 11

#### Core Volume Coefficient:

The core volume coefficient is simply calculated by taking the core length and multiplied by diameter<sup>2</sup>.

*Laguna Fresca* Exp. 114-Mass is most similar to Sharp Shooter; however, the core diameter coefficient of Exp. 114-Mass is significantly less than Sharp Shooter at the harvest maturity stage.

RAD  
7/8/05

	SS	df	MS	p [F]	s2
Total	108661.31	99			
Variety	14130.65	1	14130.65	0.000	
Location	19404.68	2	9702.34	0.000	175.39
Residual	75125.98	96			757.32
Water date	36881.26	3	12293.75	0.000	346.09
Error	38244.72	93	411.23		411.23

Core Volume Coefficient Averages:

Exp. 114-Mass: 62.04

Sharp shooter: 85.01

Least significant difference between means of 50 reps: 8.054

Standard deviation of one reading no matter the location or water date: 30.540

Standard deviation of one reading no matter the water date: 27.520

Standard deviation of one reading within the water date: 20.279

*There are significant differences between varieties, locations and water dates.*

#### NOTE:

**Higher F values suggest greater likelihood of significant differences between treatments or varieties. Probability levels <0.01 indicate >99% confidence of significant differences**

AGRICULTURAL MARKETING SERVICE  
LIVESTOCK AND SEED DIVISION  
**OBJECTIVE DESCRIPTION OF VARIETY**  
LETTUCE *Lactuca sativa*

EXHIBIT C

NAME OF APPLICANT (S) <div style="font-size: 1.2em; font-family: cursive;">Central Valley Seeds, Inc.</div>	FOR OFFICIAL USE ONLY PVPO NUMBER <div style="font-size: 1.2em; font-family: cursive;">200100044</div>
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) <div style="font-size: 1.2em; font-family: cursive;">485 Victor Way, Suite 10 Salinas, CA 93907</div>	VARIETY NAME <div style="font-size: 1.2em; font-family: cursive;">Laguna Fresca</div>
	EXPERIMENTAL DESIGNATION <div style="font-size: 1.2em; font-family: cursive;">Exp. 114-Mass</div>

Place numbers in the boxes for the characters which best describe this variety. Measured data should be the mean of an appropriate number (at least 10) of well spaced plants. Royal Horticultural Society or any recognized color standard may be used to determine plant colors.

The location of the test area is:	Color System Used: <div style="font-size: 1.2em; font-family: cursive;">Munsell</div>
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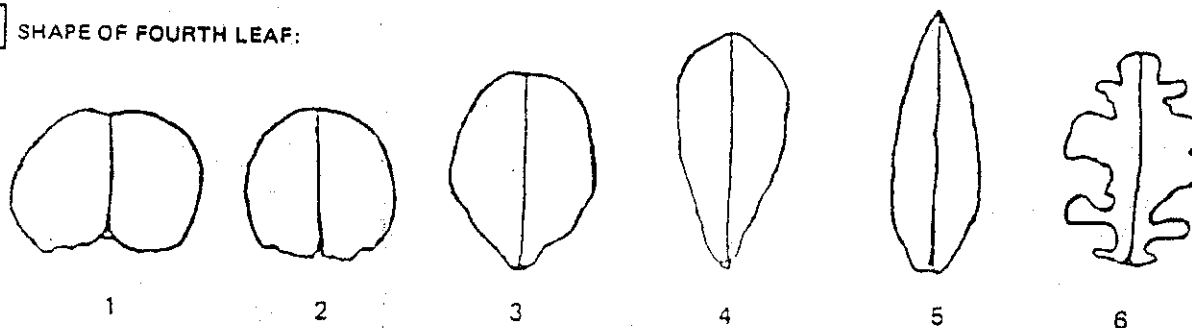
PLANT TYPE: (See list of suggested check varieties page 4.) <div style="font-size: 1.2em; border: 1px solid black; display: inline-block; padding: 2px;">06</div>	<table style="width:100%; font-size: 0.8em;"> <tr> <td>01=Cutting/Leaf</td> <td>05=Great Lakes Group</td> <td>09=Stem</td> </tr> <tr> <td>02=Butterhead</td> <td>06=Vanguard Group</td> <td>10=Latin</td> </tr> <tr> <td>03=Bibb</td> <td>07=Imperial Group</td> <td>11=OTHER</td> </tr> <tr> <td>04=Cos or Romaine</td> <td>08=Eastern (Ithaca) Group</td> <td></td> </tr> </table>	01=Cutting/Leaf	05=Great Lakes Group	09=Stem	02=Butterhead	06=Vanguard Group	10=Latin	03=Bibb	07=Imperial Group	11=OTHER	04=Cos or Romaine	08=Eastern (Ithaca) Group	
01=Cutting/Leaf	05=Great Lakes Group	09=Stem											
02=Butterhead	06=Vanguard Group	10=Latin											
03=Bibb	07=Imperial Group	11=OTHER											
04=Cos or Romaine	08=Eastern (Ithaca) Group												

SEED: <div style="font-size: 1.2em; border: 1px solid black; display: inline-block; padding: 2px;">1</div>	COLOR 1=White (Silver Gray) 2=Black (Gray Brown) 3=Brown (Amber)	LIGHT DORMANCY 1=Light Required 2=Light Not Required	HEAT DORMANCY 1=Susceptible 2=Not Susceptible
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COTYLEDON TO FOURTH LEAF STAGE: <div style="font-size: 1.2em; border: 1px solid black; display: inline-block; padding: 2px;">1</div>	NOTE: Provide a color photograph or photocopy of the fourth leaf from 20 day old seedling grown under optimal conditions. SHAPE OF COTYLEDONS: 1=Broad 2=Intermediate 3=Spatulate
--	--

3

 SHAPE OF FOURTH LEAF:



4

 LENGTH/WIDTH INDEX OF FOURTH LEAF: L/W x 10

<div style="font-size: 1.2em; border: 1px solid black; display: inline-block; padding: 2px;">4</div> APICAL MARGIN:	1=Entire 2=Crenate/Gnawed 3=Finely Dentate	4=Moderately Dentate 5=Coarsely Dentate 6=Incised	7=Lobed 8=OTHER (specify)
---	--	---	------------------------------

<div style="font-size: 1.2em; border: 1px solid black; display: inline-block; padding: 2px;">3</div> UNDULATION:	1=Flat 2=Slight 3=Medium 4=Marked
--	--

<div style="font-size: 1.2em; border: 1px solid black; display: inline-block; padding: 2px;">3</div> GREEN COLOR:	1=Yellow Green 2=Light Green 3=Medium Green 4=Dark Green 5=Blue Green 6=Silver Green 7=Gray Green
---	---

ANTHOCYANIN:

<div style="font-size: 1.2em; border: 1px solid black; display: inline-block; padding: 2px;">1</div> DISTRIBUTION:	1=Absent 2=Margin Only 3=Spotted 4=Throughout 5=OTHER (specify)
--	---

<div style="font-size: 1.2em; border: 1px solid black; display: inline-block; padding: 2px;">1</div> CONCENTRATION:	1=Light 2=Moderate 3=Intense
---	------------------------------------

<div style="font-size: 1.2em; border: 1px solid black; display: inline-block; padding: 2px;">1</div> ROLLING:	1=Absent 2=Present
---	-----------------------

<div style="font-size: 1.2em; border: 1px solid black; display: inline-block; padding: 2px;">1</div> CUPPING:	1=Uncupped 2=Slight 3=Markedly
---	--------------------------------------

<div style="font-size: 1.2em; border: 1px solid black; display: inline-block; padding: 2px;">1</div> REFLEXING:	1=None 2=Apical Margin 3=Lateral Margins
---	--

## 4. MATURE LEAVES (observe harvest-mature outer leaves):

NOTE: Provide color photo of harvest-mature leaves which accurately shows color and margin characteristics.

## MARGIN:

2	INCISION DEPTH: (deepest penetration of the margin)	1=Absent/Shallow (Dark Green Boston)	2=Moderate (Vanguard)	3=Deep (Great Lakes 659)
1	INDENTATION: (finest divisions of the margin)	1=Entire (Dark Green Boston)	3=Deeply Dentate (Great Lakes 659)	5=OTHER (specify)
		2=Shallowly Dentate (Great Lakes 65)	4=Crenate (Vanguard)	
2	UNDULATION OF THE APICAL MARGIN:	1=Absent/Slight (Dark Green Boston)	2=Moderate (Vanguard)	3=Strong (Great Lakes 659)
4	GREEN COLOR:	1=Very Light Green (Bibb)	3=Medium Green (Great Lakes)	5=Very Dark Green
		2=Light Green (Minetto)	4=Dark Green (Vanguard)	6=OTHER
ANTHOCYANIN (grown at or below 10 C):				
1	DISTRIBUTION:	1=Absent	3=Spotted (Calif. Cream Butter)	5=OTHER (specify)
		2=Margin Only (Big Boston)	4=Throughout (Prize Head)	
1	CONCENTRATION:	1=Light (Iceberg)	2=Moderate (Prize Head)	3=Intense (Ruby)
2	SIZE:	1=Small	2=Medium	3=Large
3	GLOSSINESS:	1=Dull (Vanguard)	2=Moderate (Salinas)	3=Glossy (Great Lakes)
2	BLISTERING:	1=Absent/Slight (Salinas)	2=Moderate (Vanguard)	3=Strong (Prize Head)
3	LEAF THICKNESS:	1=Thin	2=Intermediate	3=Thick
1	TRICHOMES:	1=Absent (smooth)	2=Present (spiny)	

## 5. PLANT (at market stage. Choose a comparison variety appropriate for this type.):

## SPREAD OF FRAME LEAVES:

35 cm This Variety 56 cm Sharp Shooter (specify comparison variety)

## HEAD DIAMETER (market trimmed with single cap leaf):

14 cm This Variety 15 cm Sharp Shooter (specify comparison variety)

3	HEAD SHAPE:	1=Flattened	3=Spherical	5=Non-Heading
		2=Slightly Flattened	4=Elongate	6=OTHER

2	HEAD SIZE CLASS:	1=Small	2=Medium	3=Large
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## HEAD COUNT PER CARTON

24 HEAD WEIGHT: 0868 g This Variety 1015 g Sharp Shooter (specify comparison variety)

3	HEAD FIRMNESS:	1=Loose	3=Firm
		2=Moderate	4=Very Firm

## 6. BUTT (bottom of market-trimmed head):

2	SHAPE:	1=Slightly Concave	2=Flat	3=Rounded
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1	MIDRIB:	1=Flattened (Salinas)	2=Moderately Raised	3=Prominently Raised (Great Lakes 659)
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## 7. CORE (stem of market-trimmed head):

40 mm Diameter at base of head

013 Ratio of head diameter/core diameter

30 Core height from base of head to apex: 50 mm Sharp Shooter (specify comparison variety)

## 8. BOLTING (Give First Water Date May 1st):

NOTE: First Water Date is the date seed first receives adequate moisture to germinate. This can and often does equal the planting date.

095 Number of days from First Water Date to seed stalk emergence (summer conditions):

This Variety 089 Sharp Shooter (specify comparison variety)

1	BOLTING CLASS:	1=Very Slow	3=Medium	5=Very Rapid
		2=Slow	4=Rapid	

125 Height of mature seed stalk: 1108 cm Sharp Shooter (specify comparison variety)

## 5. BOLTING cont'd.

Spread of Bolter Plant (at widest point):  
 50 cm This Variety 56 cm Sharp Shooter (specify comparison variety)

☒ 1 BOLTER LEAVES: 1=Straight 2=Curved

☒ 2 MARGIN: 1=Entire 2=Dentate

☒ 2 COLOR: 1=Light Green 2=Medium Green 3=Dark Green

BOLTER HABIT:

☒ 2 TERMINAL INFLORESCENCE: 1=Absent 2=Present

☒ 2 LATERAL SHOOTS: (above head) 1=Absent 2=Present

☒ 1 BASAL SIDE SHOOTS: 1=Absent 2=Present

## 9. MATURITY (earliness of harvest-mature head formation):

NOTE: Complete this section for at least one season.

SEASON	Applic. 1/ #of days	Check 1/ #of days	CHECK VARIETY 2/
Spring	107	104	Sharp Shooter
Summer	067	063	Sharp Shooter
Fall	072	068	Sharp Shooter
Winter	117	114	Sharp Shooter

Give planting date(s), and location(s):

Spring Wet date 3-31-00 King City, CA

Summer " 6-20-98 Watsonville, CA

Fall " 7-10-98 Castroville, CA

Winter " 1-18-99 Watsonville, CA

1/ First water date to harvest. 2/ Fill in check variety name on the appropriate line.

## 10. ADAPTATION:

PRIMARY REGIONS OF ADAPTION (tested and proven adapted):

(0=Not tested

1=Not Adapted

2=Adapted)

☒ 2 Southwest (Calif., Ariz. desert) ☒ 2 West Coast ☐ 0 Northeast

☐ 0 Northcentral ☐ 0 Southeast ☐ 0 OTHER \_\_\_\_\_

SEASON:

☐ Spring (area \_\_\_\_\_) ☐ Fall (area \_\_\_\_\_)

☐ Summer (area \_\_\_\_\_) ☐ Winter (area \_\_\_\_\_)

☐ 0 GREENHOUSE: 0=Not tested 1=Not Adapted 2=Adapted

☒ 3 SOIL TYPE: 1=Mineral 2=Organic 3=Both

DISEASES AND STRESS REACTIONS (0=Not tested; 1=Susceptible; 2=Intermediate; 3=Resistant; 4=Highly resistant; 5=Tolerant):

VIRUS

- ☒ 2 Big Vein  
☐ 1 Lettuce Mosaic  
☐ 0 Cucumber Mosaic  
☐ 0 Broad Bean Wilt  
☐ 0 Turnip Mosaic  
☐ 1 Beet Western Yellows  
☐ 1 Lett. Infectious Yellows  
☐ 0 Other Virus \_\_\_\_\_

INSECTS

- ☐ Cabbage Loopers  
☐ 1 Root Aphids  
☐ 1 Green Peach Aphid  
☐ Other Insect \_\_\_\_\_

FUNGAL/BACTERIAL

- ☒ 5 Corky Root Rot (Pythium Root Rot)  
☐ 0 Downy Mildew (Races \_\_\_\_\_)  
☐ 0 Powdery Mildew  
☒ 2 Sclerotinia Rot  
☐ 0 Bacterial Soft Rot (Pseudomonas spp. & others)  
☐ 0 Botrytis (Gray Mold)  
☐ OTHER \_\_\_\_\_

PHYSIOLOGICAL/STRESS

- ☒ 3 Tipburn  
☒ 2 Heat  
☐ 0 Drought  
☐ 0 Cold  
☐ 0 Salt  
☐ 0 Brown Rib (Rib Discoloration, Rib Blight)  
☐ 0 OTHER \_\_\_\_\_

POST HARVEST

- ☒ 3 Pink Rib  
☐ 0 Russet Spotting  
☐ 0 Rusty Brown Discoloration  
☐ 0 Internal Rib Necrosis (Blackheart, Gray Rib, Gray Streak)  
☐ 0 Brown Stain

## 12. BIOCHEMICAL OR ELECTROPHORETIC MARKERS:

## 13. COMMENTS:

SUGGESTED CHECK VARIETIES

- TYPE  
 1) CUTTING/LEAF  
 2) BUTTERHEAD  
 3) BIBB  
 4) COS, OR ROMAINE  
 5) GREAT LAKES GROUP  
 6) VANGUARD GROUP  
 7) IMPERIAL GROUP  
 8) EASTERN GROUP  
 9) STEM  
 10) LATIN

- CHECK VARIETY  
 SALAD BOWL  
 DARK GREEN BOSTON  
 BIBB  
 PARRIS ISLAND  
 GREAT LAKES 659-700  
 VANGUARD  
 VIVA  
 ITHACA  
 CELTUCE  
 MATCHLESS



*Laguna Fresca***Exhibit D. Additional Description of Lettuce ~~Exp. 114-Mass~~**

RAD 7/8/05

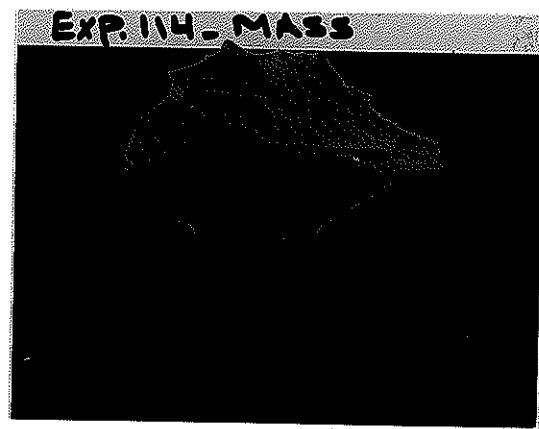
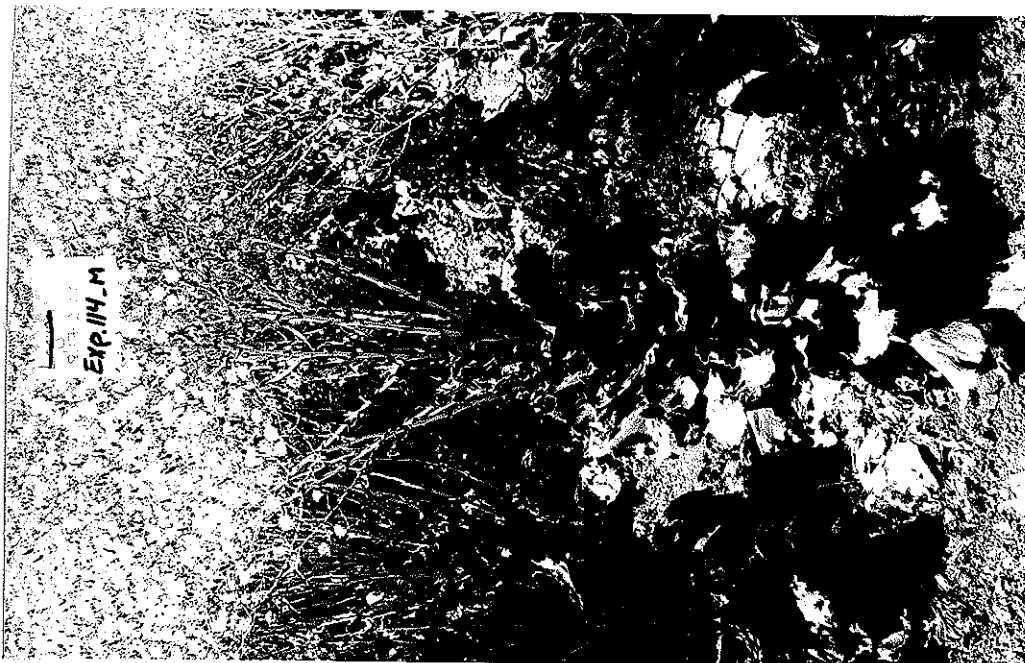
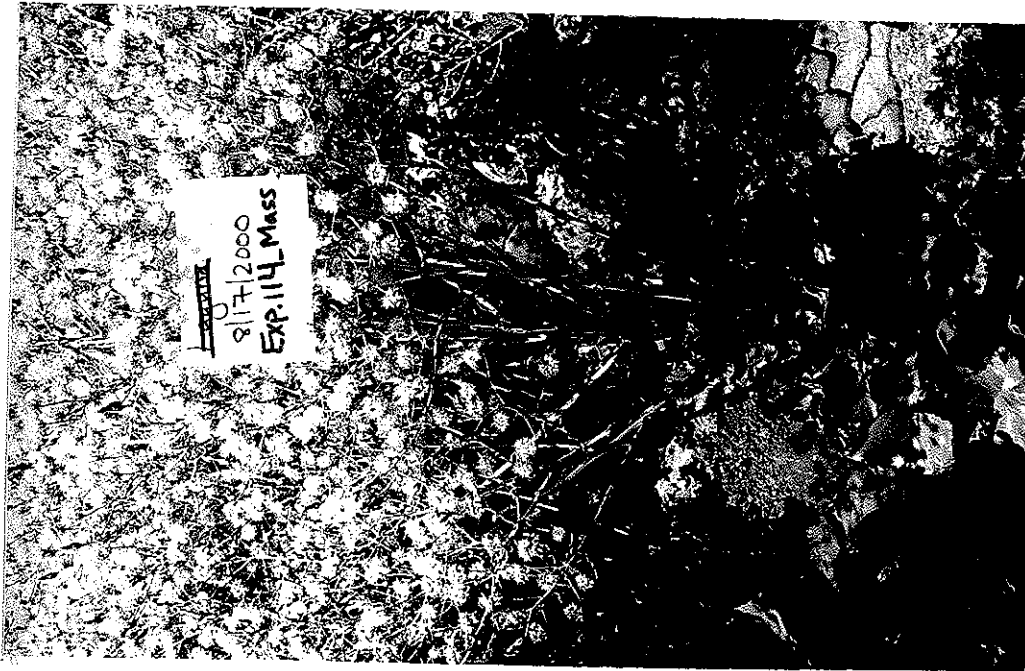


Figure 2. Exp. 114-Mass cotyledon at fourth leaf stage from a 20-day-old seedling.

'Laguna Fresca' R40 7/8/05

Figure 3. Photos of Exp.114-Mass crisphead lettuce at Seed Stage. Central Valley Seeds, Inc. Commercial Seed Production Field, Five Points, California.



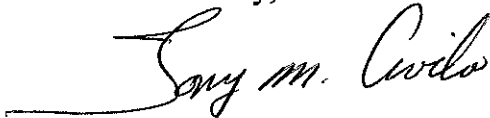
**Exhibit E. Statement of the Basis of Applicant's Ownership**  
**(Attachment)**

December 20, 2000

Tony M. Avila, Plant Breeder/Research and Development Director and Adolfo Mederos developed the lettuce variety **Exp. 114-Mass** that has been entered in this Plant Variety Protection application for Central Valley Seeds, Inc.

Tony M. Avila, Dan M. Avila, Joe M. Avila and John M. Avila equal owners of Central Valley Seeds, Inc. own Exp. 114-Mass. The ownership name of the PVP certificate shall be under the name of **CENTRAL VALLEY SEEDS, INC.**

Sincerely,



Tony M. Avila  
Vice President of Sales and Research & Development  
Central Valley Seeds, Inc.

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

RAD 5/25/05

EXHIBIT E  
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) Tony Avila, Dan Avila, Joe Avila, John Avila Central Valley Seeds, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER EXP. 114-Mass	3. VARIETY NAME Laguna Fresca
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 485 Victor Way, Suite 10 Salinas, Ca. 93907		5. TELEPHONE (include area code) (831) 757-0939	6. FAX (include area code) (831) 757-6829
		7. PVPO NUMBER 200100044	

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company? If no, give name of country ☒ YES ☐ NO

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer the following:

a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)? ☐ YES ☐ NO If no, give name of country

b. If original rights to variety were owned by a company, is the original owner(s) a U.S. based company? ☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (If needed, use reverse for extra space):

See attached sheet of Exhibit E  
"Statment of the Basis of Applicant's Ownership"

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

- If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
- If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
- If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-5881 (voice) or (202) 720-7808 (TDD).

To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.